

# Exhibit 1

## MAJORITY MEMBERS:

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Chairwoman

JOE WILSON, SOUTH CAROLINA  
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TIM WALBERG, MICHIGAN  
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JAMES COMER, KENTUCKY  
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BOB GOOD, VIRGINIA  
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RON ESTES, KANSAS  
JULIA LETLOW, LOUISIANA  
KEVIN KILEY, CALIFORNIA  
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ERIC BURLISON, MISSOURI  
NATHANIEL MORAN, TEXAS  
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COMMITTEE ON  
EDUCATION AND THE WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
2176 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

January 24, 2024

Mr. Ramanan Raghavendran  
Chairman  
Board of Trustees  
1 College Hall  
Philadelphia, PA 19104

Dr. Larry Jameson  
Interim President  
University of Pennsylvania  
1 College Hall  
Philadelphia, PA 19104

Dear Mr. Raghavendran and Dr. Jameson,

As you are aware, the Committee on Education and the Workforce (the Committee) is investigating the University of Pennsylvania (Penn) for its response to antisemitism occurring on its campus and its failure to protect Jewish students attending the university. We have grave concerns regarding the inadequacy of Penn's response to antisemitism on its campus.

In testimony before the Committee on December 5, 2023, Penn's then-President, M. Elizabeth Magill, made numerous statements that further called into question the university's willingness to address antisemitism seriously. When asked whether calling for the genocide of Jews would violate Penn's code of conduct, Ms. Magill replied that "it is a context-dependent decision."<sup>1</sup> When questioned on Penn's hosting of antisemitic speakers at the September 2023 Palestine Writes Literature Festival, Ms. Magill repeatedly provided evasive and indirect answers.<sup>2</sup> While Ms. Magill and Mr. Scott L. Bok, then-Chairman of Penn's Board of Trustees have both since resigned, Penn's institutional failures regarding antisemitism extend well beyond two leaders.

An environment of pervasive antisemitism has been documented at Penn dating back to well before the October 7, 2023, terrorist attacks. A December 2023 Brandeis University research study that surveyed Jewish students at 51 campuses in the wake of the October 7, 2023, terrorist

<sup>1</sup> House Committee on Education and the Workforce, Hearing, Holding Campus Leaders Accountable and Confronting Antisemitism, Dec. 5, 2023.

<sup>2</sup> *Id.*

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attack ranked Penn in its worst category, “Highest antisemitic hostility,” consisting of the most hostile 25 percent of universities surveyed.<sup>3</sup> A civil lawsuit by two Penn students who allege that Jews on campus “are routinely subjected to vile and threatening antisemitic slurs and chants” identified dozens of antisemitic incidents at Penn since 2015.<sup>4</sup>

Penn’s failure to address antisemitism on its campus has been harshly and widely rebuked. In December 2023, the Board of Advisors at Penn’s Wharton School wrote to then-President Magill that “our Board has been, and remains, deeply concerned about the dangerous and toxic culture on our campus that has been led by a select group of students and faculty and has been permitted by University leadership” and that Penn’s leadership does not “appear to understand the urgency to address the safety of our students on campus.”<sup>5</sup> On December 6, 2023, Pennsylvania Governor Josh Shapiro stated that Penn’s leaders “have seemingly failed every step of the way to take concrete action to make sure all students feel safe on campus” and that Ms. Magill’s testimony “took it to the next level. It’s failed leadership.”<sup>6</sup> On December 13, 2023, the Pennsylvania House of Representatives voted to withhold \$31 million in funding from Penn’s School of Veterinary Medicine due to legislators’ concerns about antisemitism at Penn.<sup>7</sup>

The pattern of deeply troubling incidents and developments at Penn includes the following:

- Penn hosted the Palestine Writes Literature Festival on its campus in September 2023 with multiple Penn academic departments and centers sponsoring the event,<sup>8</sup> including through a community partnerships grant by Penn’s Sachs Program for Arts Innovation.<sup>9</sup> The virulent antisemitism of the festival’s executive director and speakers deserve detailed mention:
  - The festival’s executive director, Susan Abulhawa, had labeled Israelis “human garbage” and stated “I take comfort in knowing without a doubt that this colonial apartheid state will eventually be...wiped off the map,” referred to the Jewish President of Ukraine Volodymyr Zelensky as a “depraved

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<sup>3</sup> GRAHAM WRIGHT ET AL., IN THE SHADOW OF WAR: HOTSPOTS OF ANTISEMITISM ON US COLLEGE CAMPUSES (2023), <https://scholarworks.brandeis.edu/esploro/outputs/report/9924312184701921>

<sup>4</sup> Complaint, Yakoby v. University of Pennsylvania, No. 2:23-cv-04789 (E.D. Penn. filed Dec. 5, 2023), <https://www.kasowitz.com/media/focjlca0/university-of-pennsylvania-complaint.pdf>.

<sup>5</sup> Letter to M. Elizabeth Magill, President, University of Pennsylvania, from Wharton Board of Advisors (undated).

<sup>6</sup> Hayden Mitman, *At Philly’s Goldie, Gov. Shapiro condemns Penn president’s ‘shameful’ remarks to Congress*, NBC Philadelphia, Dec. 6, 2023, <https://www.nbcphiladelphia.com/news/politics/at-phillys-goldie-gov-shapiro-condemns-penn-presidents-shameful-remarks-to-congress/3714660/>

<sup>7</sup> Ben Binday and Ethan Young, *Pa. representatives strike down state funding for Penn Vet amid antisemitism concerns*, Daily Pennsylvanian, Dec. 14, 2023, <https://www.thedp.com/article/2023/12/penn-veterinary-medicine-funding-hold>

<sup>8</sup> Penn departments and centers sponsoring the festival included the Department of Near Eastern Languages and Civilizations, Middle East Center, Cinema and Media Studies Department, Kelly Writers House, and Wolf Humanities Center.

<sup>9</sup> Sachs Program for Arts Innovation, Palestine Writes Literature Festival: Indigenous Stories of a Fabled Homeland, <https://sachsarts.org/grant-awards/palestine-writes-literature-festival-indigenous-stories-of-a-fabled-homeland>.

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Zionist trying to ignite World War III,” and called to “DeNazify Ukraine.”<sup>10</sup> She later celebrated the October 7th terrorist attack, writing, “Palestinian fighters finally broke free on 7 October 2023 in a spectacular moment that shocked the world.”<sup>11</sup>

- Numerous festival speakers had lengthy histories of antisemitism prior to the event. Speaker Roger Waters has compared Israel to Nazis, performed in a Nazi-style uniform, and been condemned by the State Department for his “long track record of using antisemitic tropes to denigrate Jewish people.”<sup>12</sup> Speaker Marc Lamont Hill was previously fired from CNN for calling for “a free Palestine from the river to the sea.”<sup>13</sup> Speaker Mohammed El-Kurd had accused Zionists of having “an unquenchable thirst for Palestinian blood.”<sup>14</sup> Speaker Salman Abu Sitta had said “Jews were hated in Europe because they played a role in the destruction of the economy in some of the countries, so they would hate them.”<sup>15</sup>
- Multiple speakers engaged in antisemitic hate speech at the Penn-hosted and sponsored festival itself. Speaker Salman Abu Sitta said, “[w]e know where the nine million Palestinian refugees are located. So, we then have to ask the second question: Who lives in their land? Who lives – the settlers from Europe.”<sup>16</sup> Abu Sitta also said, “And what are we going – how are we going to deal with the Jews – the majority of Jews – who are there? The answer is – could be – simple. They could live in cantons.”<sup>17</sup> Speaker Tom Suarez said, “I think the main point – and something else that needs to be stated over, and over, and over again – is that the Zionist movement needs antisemitism – in reality or at least the, the appearance of it. Zionism is addicted to antisemitism.”<sup>18</sup> Speaker Lorna Munro said, “[p]risoners in concentration camps wore yellow armbands, now these same people hold a

<sup>10</sup> Justin Amier and Tammy Reznik, *Writers festival must not embrace anti-Semitic hate*, AIJAC, Feb. 20, 2023, <https://aijac.org.au/op-ed/writers-festival-must-not-embrace-anti-semitic-hate>; Susan Abulhawa, STOP ANTISEMITISM (March 31, 2023), <https://www.stopantisemitism.org/antisemite-of-the-week-10/susan-abulhawa>.

<sup>11</sup> Susan Abulhawa, *Israel is on its colonial deathbed*, ELECTRONIC INTIFADA (Oct. 12, 2023), <https://electronicintifada.net/content/israel-its-colonial-deathbed/38746>

<sup>12</sup> Roger Waters In His Own Words, ANTI-DEFAMATION LEAGUE (Jul. 18, 2017), <https://www.adl.org/resources/fact-sheet/roger-waters-his-own-words>; Matthew Lee, *US weighs in on Roger Waters antisemitism debate, says artist has long history of denigrating Jews*, ASSOCIATED PRESS (Jun. 6, 2023), <https://apnews.com/article/us-germany-roger-waters-antisemitism-3aa8d1dadf8d633f2c3274a6a8f9ef6f>.

<sup>13</sup> Marc Lamont Hill fired from CNN after his speech on Israel draws outrage, NBC NEWS (Nov. 30, 2018), <https://www.nbcnews.com/news/us-news/marc-lamont-hill-fired-cnn-after-his-speech-israel-draws-n942151-n942151>

<sup>14</sup> Mohammed El-Kurd, ANTI-DEFAMATION LEAGUE (Dec. 16, 2021), <https://www.adl.org/resources/backgrounder/mohammed-el-kurd>.

<sup>15</sup> Dion J. Pierre, *‘Are Most Jews Evil?’: Top US University Hosting ‘Palestine Literature Festival’ Featuring Avid Anti-Zionists*, ALGEMEINER (Sept. 12, 2023), <https://www.algemeiner.com/2023/09/12/are-most-jews-evil-top-us-university-hosting-palestine-literature-festival-featuring-avid-anti-zionists/>; UPenn to Host Conference with Multiple Antisemitic, Terror-tied Speakers

<sup>16</sup> Palestine Writes Exposed, <https://www.palestinewritesexposed.com>.

<sup>17</sup> Salman Abu Sitta, The Right of Return and How to Achieve It, Presentation at Palestine Writes Festival (Sept. 23, 2023).

<sup>18</sup> Palestine Writes Exposed, *supra* note 16.

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monopoly over politically divided lands.”<sup>19</sup> Speaker Dana Dajani said, “[w]hen your IDF soldiers are toasting l’chaim, Palestinian children are dying.”<sup>20</sup>

- There have been multiple incidents of antisemitic vandalism and harassment at Penn in recent months:
  - On September 14, 2023, a swastika was found spray painted on a wall in Penn’s Stuart Weitzman School of Design.<sup>21</sup>
  - On September 21, 2023, the day before the Palestine Writes Festival, an individual was arrested for vandalizing Penn Hillel (Penn’s center for Jewish life) and shouting antisemitic obscenities, including “fuck the Jews” and “they killed JC.”<sup>22</sup> The perpetrator is reportedly a Penn student.<sup>23</sup>
  - On October 20, 2023, the property next to the Alpha Epsilon Pi house, a historically Jewish fraternity, was vandalized with antisemitic graffiti saying “The Jews R Nazis.”<sup>24</sup>
  - On October 28, 2023, a Penn undergraduate stole an Israeli flag from a Campus Apartments residence and was subsequently arrested on November 4.<sup>25</sup> The same student was captured on video praising what she called “joyful and powerful images which came from the glorious October 7” and saying “I want you all to remember how you felt when you saw those images and heard the news. I remember feeling so empowered and so happy, so confident that victory was near and so tangible.”<sup>26</sup>
  - On November 6, 2023, multiple Penn staff members received antisemitic emails threatening violence against Penn Hillel and Lauder College House, a dormitory named in honor of a family of prominent Jewish philanthropists, prompting an

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<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Hope Sheridan and Paige Rawiszer, *Penn investigating antisemitic vandalism next to AEPi house as potential hate crime*, DAILY PENNSYLVANIAN (Oct. 21, 2023), <https://www.thedp.com/article/2023/10/penn-aepi-campus-apartments-antisemitic-vandalism-investigation>.

<sup>22</sup> Jonah Miller and Jared Mitovich, *Penn Hillel vandalized by individual who shouted 'antisemitic obscenities,' knocked over furniture*, DAILY PENNSYLVANIAN (Sept. 21, 2023), <https://www.thedp.com/article/2023/09/penn-hillel-vandalism-incident>.

<sup>23</sup> Jessica Costescu, *Two University of Pennsylvania Students Were Arrested Over Anti-Semitic Incidents. The School Won’t Say Whether They Faced Disciplinary Action*, WASHINGTON FREE BEACON (Jan. 15, 2024), <https://freebeacon.com/campus/two-university-of-pennsylvania-students-were-arrested-over-anti-semitic-incidents-the-school-wont-say-whether-they-faced-disciplinary-action>.

<sup>24</sup> Sheridan, *supra* note 21.

<sup>25</sup> Costescu, *supra* note 23.

<sup>26</sup> James Reynolds, *Outrage as UPenn Junior passionately endorses Hamas’ vile Oct 7 terror attack against Israel during Philadelphia rally saying: ‘I remember feeling so empowered and happy’*, DAILY MAIL (Nov. 7, 2023), <https://www.dailymail.co.uk/news/article-12719839/UPenn-Junior-endorses-Hamas-Oct-7-terror-attack-Israel-Philadelphia-rally.html>

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FBI investigation.<sup>27</sup>

- On November 8, 2023, anti-Israel groups projected hateful phrases onto university buildings, including: "From the river to the sea, Palestine will be free," "Zionism is racism," "Penn funds Palestinian genocide," and "From West Philly to Palestine, occupation is a crime."<sup>28</sup>
- In November 2023, hundreds of "Missing Cow" posters were posted on Penn's campus, appearing to mock widely distributed "Kidnapped" posters featuring Israeli hostages abducted by Hamas. The posters were similar in design and appearance to the "Kidnapped" posters, featured a silhouette of a cow with the words "beef dinner" and offered a "reward" of "a box of chalk and a can of beer."<sup>29</sup> Penn faculty and staff have also been identified tearing down posters featuring the hostages.<sup>30</sup>
- On December 3, 2023, anti-Israel protestors marched across the Penn campus, spray painted graffiti saying "intifada," "avenge Gaza," and other messages on university buildings, and chanted in Arabic "[f]rom water to water, Palestine will be Arab" and "[t]he gate of Al-Asqa is made of iron; only the martyr in spirit and blood can open it. We sacrifice for you, O Al-Aqsa!"<sup>31</sup>
- Multiple Penn faculty made antisemitic remarks and statements of support for Hamas in the aftermath of the October 7, 2023, terrorist attack, including the following:
  - Associate Professor of Arabic Literature Huda Fakhreddine publicly celebrated the attack on the morning of October 7, tweeting in Arabic that "while we were asleep, Palestine invented a new way of life."<sup>32</sup> At an October 16, 2023, anti-Israel protest on Penn's campus, Fakhreddine said, "Israel is the epitome of antisemitism ... it desecrates the memory of the Holocaust victims. It humiliates

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<sup>27</sup> Alan Yu, *Penn police called FBI to help investigate threatening antisemitic emails*, WHYY (Nov. 7, 2023), <https://why.org/articles/university-of-pennsylvania-fbi-antisemitic-threats-emails-israel-hamas-war/>.

<sup>28</sup> Sophia Liu, *Penn denounces projections of pro-Palestinian messages onto campus buildings as 'antisemitic'*, DAILY PENNSYLVANIAN (Nov. 9, 2023), <https://www.thedp.com/article/2023/11/penn-pro-palestinian-projections-huntsman-hall-penn-commons>.

<sup>29</sup> Melissa Koenig, *'Missing Cow' posters appearing to mock Israeli hostages plastered around UPenn*, NEW YORK POST (Nov. 22, 2023), <https://nypost.com/2023/11/22/news/upenn-vows-to-find-group-responsible-for-missing-cow-posters/>

<sup>30</sup> Isabel Keane, *UPenn library staffer caught taking down posters of kidnapped Israelis*, NEW YORK POST (Nov. 22, 2023), <https://nypost.com/2023/10/18/upenn-student-removing-posters-of-kidnapped-israelis/>; Campus Reform, *VIDEO REPORT: UPenn prof takes scissors against Israeli hostage posters*, CAMPUS REFORM (Nov. 7, 2023), <https://www.campusreform.org/article/video-report-upenn-prof-takes-scissors-against-israeli-hostage-posters/24325>.

<sup>31</sup> Zach Kessel, *University of Pennsylvania Students Vandalize School Property, Call for 'Intifada'*, NATIONAL REVIEW (Dec. 4, 2023), <https://www.nationalreview.com/news/university-of-pennsylvania-students-vandalize-school-property-call-for-intifada>.

<sup>32</sup> Huda Fakhreddine (@FakhreddineHuda), Twitter (Oct. 7, 2023, 8:19 AM).

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every Jewish person.”<sup>33</sup> Fakhreddine also applauded a speaker’s statement that Jews should “go back to Moscow, Brooklyn, Gstaad, or fucking Berlin where you came from.”<sup>34</sup>

- Creative writing instructor Ahmad Almallah led a crowd of protestors in chanting “from the river to the sea, Palestine will be free” and “when people are occupied, resistance is justified” at an October 16, 2023, anti-Israel protest.<sup>35</sup>
- Professor of Political Science Robert Vitalis, who taught Penn’s course titled International Relations of the Middle East in Fall 2023,<sup>36</sup> made an October 23, 2023, Facebook post of a patch displaying the logo of Hamas’ military wing, the al-Qassam Brigades, with the caption, “a quick easy way to reduce my friends’ list (and it will look cool on your jacket too).”<sup>37</sup> Vitalis previously signed a 2011 petition calling for divestment from Israel.<sup>38</sup>
- On October 11, 2023, Penn Students Against the Occupation released a “Statement of Solidarity with Palestine” which asserted, “[t]he settler state has been inflicting violence on Palestinians and their land since its inception, and therefore bears sole responsibility for the violence which has been taking place this week,” and “Palestinians, like all oppressed peoples, have the right to resist their oppressors by any means necessary.”<sup>39</sup>
- On November 14, 2023, a student group calling itself the “Freedom School for Palestine” began a weeks-long sit-in at Penn’s student center, Houston Hall, by occupying the building for over 12 hours. The group refused to leave the Houston Hall lobby after the building closed at midnight, a violation of university policy.<sup>40</sup> Penn subsequently allowed

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<sup>33</sup> Dion J. Pierre, ‘*The Israeli Jew Has Bastardized Judaism’: Pro-Palestinian Rally at UPenn Descends Into Antisemitism*, ALGEMEINER (Oct. 18, 2023), <https://www.algemeiner.com/2023/10/18/israeli-jew-has-bastardized-judaism-pro-palestinian-rally-upenn-descends-antisemitism/>; Benjamin Romm, *UPenn Prof. Fakhreddine says Israel Desecrating Memory of Holocaust*, YouTube (Oct. 17, 2023), [https://www.youtube.com/watch?v=s\\_aOa3YRE4c](https://www.youtube.com/watch?v=s_aOa3YRE4c).

<sup>34</sup> *Id.*

<sup>35</sup> Beni Romm, *UPenn Palestine Rally: What the Editorials Won’t Post*, TIMES OF ISRAEL (Oct. 18, 2023), <https://blogs.timesofisrael.com/upenn-palestine-rally-what-the-editorials-wont-post/>; Benjamin Romm, *UPenn Prof. Almallah Leads Chants of “From the River” and “Resistance is Justified”*, YouTube (Oct. 17, 2023), <https://www.youtube.com/watch?v=kOlsZ2b926A>.

<sup>36</sup> Courses for Fall 2023 (Political Science Department), University of Pennsylvania School of Arts and Sciences, <https://www.polisci.upenn.edu/course-list/2023C>.

<sup>37</sup> “Robert Vitalis”, CANARY MISSION, [https://canarymission.org/professor/Robert\\_Vitalis](https://canarymission.org/professor/Robert_Vitalis).

<sup>38</sup> Divest from the Israeli Occupation, JEWISH VOICE FOR PEACE, <https://wedivest.org/wp-content/uploads/2011/03/Petition7pp-final2011.pdf>.

<sup>39</sup> Penn Students Against the Occupation, Statement of Solidarity, Instagram (Oct. 11, 2023), <https://www.instagram.com/p/CyRkOtoJBxx/>.

<sup>40</sup> Katie Bartlett, *Penn community members occupy part of Houston Hall in teach-in to promote pro-Palestinian voices*, DAILY PENNSYLVANIAN (Nov. 14, 2023), <https://www.thedp.com/article/2023/11/penn-students-faculty-staff-occupy-building>; Vidya Pandiaraju, et al., *Five pro-Palestinian student activists remain in Houston Hall overnight after Penn threatens arrests*, DAILY PENNSYLVANIAN (Nov. 15, 2023), <https://www.thedp.com/article/2023/11/penn-freedom-school-palestine-houston-hall-overnight>.

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members of the group with Penn IDs to remain in the building overnight without arrest or removal.<sup>41</sup> The sit-in continued daily until at least mid-December and included programs on “The False Narrative of Palestinian Antisemitism” and “Jewish Supremacy in Israel/Palestine.”<sup>42</sup> Multiple Penn staff donated money to the so-called “Freedom School.”<sup>43</sup>

- Penn’s Jewish undergraduate population has fallen dramatically from approximately 2,500 students in 2013 to 1,600 in 2023, according to estimates from Hillel International.<sup>44</sup> This constitutes a decrease from around 25 percent of the undergraduate student body to 16.4 percent.<sup>45</sup> In February 2023, leaders of Penn Hillel met with parents and alumni about the decline in Jewish enrollment, especially among Orthodox students. Penn Hillel’s executive director reported having “dozens if not a hundred” conversations with parents concerned by the decline and said that given the historic levels of antisemitism on college campuses, “[w]e are deeply concerned that a decline in Jewish students at this exact moment … both sends the wrong message and concretely negatively affects the lived experience of Jewish students on campus.”<sup>46</sup>
- Penn’s Middle East Center has continued to fund the nonprofit Middle East Studies Association (MESA) as an institutional member, despite MESA’s March 2022 ratification of a resolution in support of the boycott, divestment, and sanctions (BDS) movement against Israel, including an academic boycott of Israeli universities.<sup>47</sup>

In defense of this disgraceful record, Penn has cited its supposed commitment to free speech. In former President Magill’s words, Penn claims that it is “guided by the United States Constitution,” which limits it from taking action against antisemitism on its campus.<sup>48</sup> However, Penn has demonstrated a clear double standard by tolerating antisemitic vandalism, harassment, and intimidation, but suppressing and penalizing other expression it deemed problematic. Notably, multiple Penn trustees and the Chair of the Wharton School’s Board of Advisors were

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<sup>41</sup> Vidya Pandiaraju, et al., *Freedom School for Palestine sit-in enters second week despite threats from Penn officials*, DAILY PENNSYLVANIAN (Nov. 21, 2023), <https://www.thedp.com/article/2023/11/penn-freedom-school-palestine-teach-in-houston-goals>.

<sup>42</sup> Freedom School for Palestine, Day 3 Program, Instagram (Nov. 16, 2023), <https://www.instagram.com/p/CztrGYgOJzE/>; Freedom School for Palestine, Program, Instagram, <https://acrobat.adobe.com/id/urn:aaid:sc:US:459aaf4-5cd5-4dff-b35b-7f791e1fff78>.

<sup>43</sup> Zach Kessel, *University of Pennsylvania Staff Donated to Organization Accusing Israel of ‘Jewish Supremacy’ and ‘Genocide’*, NATIONAL REVIEW (Dec. 13, 2023), <https://www.nationalreview.com/news/university-of-pennsylvania-staff-donated-to-organization-accusing-israel-of-jewish-supremacy-and-genocide/>

<sup>44</sup> Union for Reform Judaism, Insider’s Guide to College Life (Jul. 12, 2013), [https://issuu.com/reformjudaism/docs/college\\_reprint\\_cropped/15?e=5480200/4019908/](https://issuu.com/reformjudaism/docs/college_reprint_cropped/15?e=5480200/4019908/); Hillel International, University of Pennsylvania, <https://www.hillel.org/college/university-of-pennsylvania>.

<sup>45</sup> *Id.*

<sup>46</sup> Sara Weissman, *Jewish Student Enrollment Is Down at Many Ivies*, INSIDE HIGHER ED (May 8, 2023), <https://www.insidehighered.com/news/admissions/2023/05/08/jewish-student-enrollment-down-many-ivies>

<sup>47</sup> Middle East Studies Association, Institutional Members, <https://mesana.org/membership/institutional-members>; Press Release, Middle East Studies Association, Middle East Scholars Vote to Endorse BDS (Mar. 23, 2022), <https://mesana.org/news/2022/03/23/middle-east-scholars-vote-to-endorse-bds>.

<sup>48</sup> Testimony, *supra* note 1

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allegedly pressured to step down by Mr. Scott Bok, then-Chair of Penn's Board of Trustees, after signing onto an open letter calling for Penn to respond more strongly to the Palestine Writes Literature Festival and its antisemitic speakers.<sup>49</sup> The Director of Campus Rights Advocacy at the Foundation for Individual Rights and Expression's (FIRE) noted, “[t]he same administrators now cloaking themselves in the mantle of free speech have been all too willing to censor all kinds of unpopular stuff on their campuses” and “[i]t is such utter hypocrisy.”<sup>50</sup>

In June 2022, Penn Law Dean Ted Ruger took the extraordinary step of requesting Penn's Faculty Senate impose a “major sanction” on tenured law professor Amy Wax for “intentional and incessant racist, sexist, xenophobic, and homophobic actions and statements” and that “Wax’s conduct inflicts harm on [students, faculty, and staff] and the institution and undermines the University’s core values.”<sup>51</sup> This effort, which is ongoing, is widely perceived to be an effort to strip Wax of her tenure and terminate her.<sup>52</sup> In May 2022, amidst the controversies surrounding Wax, Penn's Faculty Senate's Committee on Faculty Development, Diversity, and Equity recommended creating a committee to examine “University and school-level procedures related to balancing academic freedom and tenure protections with the need for faculty sanctions (including possible tenure removal) for faculty misbehaviors.”<sup>53</sup>

There are numerous additional cases of Penn canceling or sanctioning speech it disfavored. In 2013, following pressure from faculty and students, the Wharton India Economic Forum canceled an invitation for India's current Prime Minister Narendra Modi, who was then Chief State Minister of Gujarat, to serve as its keynote speaker.<sup>54</sup> An expert critical of Modi subsequently canceled his own participation in the forum in protest of the “shrill brand of political correctness” at Penn.<sup>55</sup> In a different kind of suppression, Penn delayed recognition of a student Hunting, Archery, and Shooting club for over a year due to purported COVID pandemic-related concerns, despite approving other groups, such as a surfing club, at the time. The club was finally approved in April 2021 after pressure from FIRE.<sup>56</sup> Another example came in May

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<sup>49</sup> Jared Mitovich, *Penn admin. allegedly ‘pressured’ trustees to step down after publicly criticizing University*, DAILY PENNSYLVANIAN (Oct. 12, 2023), <https://www.thedp.com/article/2023/10/penn-trustees-pressure-palestine-writes-letter>.

<sup>50</sup> Nicholas Confessore, *As Fury Erupts Over Campus Antisemitism, Conservatives Seize the Moment*, NEW YORK TIMES (Dec. 10, 2023), <https://www.nytimes.com/2023/12/10/us/universities-antisemitism-conservatives-liberals.html>.

<sup>51</sup> University of Pennsylvania Law Dean's Report Regarding Amy Wax (Jun. 23, 2022), <https://www.thefire.org/research-learn/university-pennsylvania-law-deans-report-regarding-amy-wax-june-23-2022>

<sup>52</sup> Penn's Faculty Handbook defines major sanctions as including, “termination; suspension; reduction in academic base salary; zero salary increases stipulated in advance for a period of four or more years.” See: Faculty Handbook, University of Pennsylvania, <https://catalog.upenn.edu/faculty-handbook/ii/ii-e>.

<sup>53</sup> Camellia Bui and Elea Castiglione, *Faculty Senate committee recommends review of policies related to tenure protections*, DAILY PENNSYLVANIAN (Feb. 2, 2023), <https://www.thedp.com/article/2023/02/penn-tenure-policies-academic-freedom-amy-wax>

<sup>54</sup> Tvisi Ravi, *Protesters march against Wharton India Economic Forum*, Daily Pennsylvanian (Mar. 23, 2013), <https://www.thedp.com/article/2013/03/protestors-march-against-wharton-india-economic-forum>.

<sup>55</sup> Sadanand Dhume, *Why I'm Not Speaking at Wharton*, WALL STREET JOURNAL (Mar. 4, 2013), <https://www.wsj.com/articles/BL-IRTB-18128>.

<sup>56</sup> Press Release, Foundation for Individual Rights and Expression,

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2022, when the Chair of Penn’s Department of Medicine, Dr. Michael Parmacek, condemned Professor Emeritus and former Associate Dean of the Perelman School of Medicine Stanley Goldfarb for criticizing diversity, equity, and inclusion policies. Parmacek sent medical school faculty and staff emails calling Goldfarb’s comments “racist statements” and arguing that they “run counter to the anti-racist stance that has been adopted by Penn Medicine and the Penn [Graduate Medical Education] community.”<sup>57</sup>

Given these examples, it is unsurprising that Penn was ranked second to last out of 248 institutions surveyed in FIRE’s 2024 College Free Speech Rankings.<sup>58</sup> Penn’s dismal record on free speech exposes the disingenuousness of its leadership’s rationalizations for its inaction toward antisemitism on campus. On November 6, 2023, then-President Magill warned of the “perniciousness of antisemitic acts on [Penn’s] campus.”<sup>59</sup> But mere warnings are insufficient. Jewish students at Penn continue to feel threatened by the explosion of antisemitic incidents on campus.<sup>60</sup>

To assist the Committee in understanding the antisemitism crisis at Penn and the university’s response, please produce the following items no later than February 7, 2024:

1. All reports of antisemitic acts or incidents and related documents and communications since January 1, 2021, including but not limited to all reports of antisemitic acts, incidents, or discrimination made to the following:
  - a. The Office of the President;
  - b. The Office of the General Counsel;
  - c. Penn University Life, including the Office of Student Affairs and the Diversity, Equity, Inclusion & Belonging office, and similar offices and programs within Penn’s undergraduate schools, graduate/professional schools, and other components, as well as any other reports made to the Office of the Provost;
  - d. The Office of Affirmative Action and Equal Opportunity Programs;

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BULLSEYE: University of Pennsylvania’s Hunting, Archery, and Shooting Club finally approved after FIRE’s intervention (Apr. 29, 2021), <https://www.thefire.org/news/bullseye-university-pennsylvanias-hunting-archery-and-shooting-club-finally-approved-after>.

<sup>57</sup> Jack Crowe, *UPenn Med School Leaders Turn on Former Dean over ‘Racist’ Affirmative-Action Criticism*, NATIONAL REVIEW (Jun. 1, 2022), <https://www.nationalreview.com/news/upenn-med-school-leaders-turn-on-former-dean-over-racist-affirmative-action-criticism/>

<sup>58</sup> 2024 College Free Speech Rankings, FOUNDATION FOR INDIVIDUAL RIGHTS AND EXPRESSION (Sept. 6, 2023), <https://rankings.thefire.org/rank>.

<sup>59</sup> M. Elizabeth Magill, *Responding to antisemitic threat to our campus*, PENN TODAY (Nov. 6, 2023), <https://penntoday.upenn.edu/announcements/responding-antisemitic-threat-our-campus>.

<sup>60</sup> FOX 29 PHILADELPHIA (Dec. 8, 2023), <https://www.fox29.com/news/jewish-students-at-upenn-share-concerns-about-antisemitism-on-campus>.

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- e. The Division of Public Safety, including the University of Pennsylvania Police Department;
- f. Any hotlines, inboxes, or other mechanisms that collect reports of bias, discrimination, and harassment;
- g. Penn Human Resources;

2. Documents sufficient to show any Penn disciplinary, academic, personnel, administrative, or other processes through which allegations of hate crimes, discrimination, bias, or harassment are responded to, including but not limited to, any written policies, procedures, guidance, handbooks, rubrics, and/or tables of penalties. Please also identify the offices, individuals, boards, and/or bodies that are responsible for evaluating and/or determining such responses, including the composition of any offices, boards, or bodies;
3. Documents sufficient to show Penn's policies and procedures that ensure and preserve access to safe and uninterrupted learning environments and respond to and address reported violations, including through law enforcement, investigative, and disciplinary processes. Please also identify the offices, individuals, boards, and/or bodies that are responsible for evaluating and/or determining such responses, including the composition of any offices, boards, or bodies;
4. Documents sufficient to show the findings and results of any disciplinary processes, changes in academic status, or personnel actions by Penn toward Penn students, faculty, staff, and other Penn affiliates related to conduct involving the targeting of Jews, Israelis, Israel, Zionists, or Zionism since January 1, 2021;
5. Documents sufficient to show the findings and results of any disciplinary processes or changes in status by Penn toward Penn student organizations related to conduct involving Jews, Israelis, Israel, Zionists, or Zionism since January 1, 2021, including, but not limited to, Penn Students Against the Occupation and the Freedom School for Palestine;
6. All documents and communications relating to or reflecting sources of funding for Penn Students Against the Occupation, the Palestine Writes Festival, and the Freedom School for Palestine, including but not limited to university, departmental, faculty, and student organization funds, as well as foreign donations;
7. Documents sufficient to show findings and results of any disciplinary processes, changes in academic status, or personnel actions by Penn toward Penn students, faculty, staff, student organizations, and other Penn affiliates as a result of:
  - a. allegations of hate crimes, discrimination, bias, or harassment on the basis of religion, ethnicity, national origin, sex, sexual orientation, gender identity, and disability at Penn since January 1, 2021;

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- b. Reports of denial or disruption of access to safe and uninterrupted learning environments at Penn since January 1, 2021;
- 8. Documents sufficient to show any legal, financial, or informal settlements by Penn in response to complaints of discrimination, harassment, or violations of free speech/expression since January 1, 2021;
- 9. All documents and communications since January 1, 2021, referring and relating to antisemitism involving the Office of the President and Office of the Provost;
- 10. All Penn Board of Trustees meeting minutes and/or summaries, whether formal or informal, since January 1, 2021, including minutes of meetings of any components, such as committees, executive committees, subcommittees, and task forces;
- 11. All documents and communications since January 1, 2021, referring and relating to antisemitism, involving the Penn Board of Trustees (including all members);
- 12. All documents and communications referring and relating to any efforts by the then-Chairman of the Board of Trustees and other Trustees, President, Provost, and other senior Penn leaders to address Penn trustees, trustees emeriti, and members of advisory boards (such as the Wharton Board of Advisors) signing onto an open letter critical of Penn's response to the Palestine Writes Literature Festival, including by raising whether they should continue to serve in their roles;
- 13. All documents and communications referring and relating to Penn's Action Plan to Combat Antisemitism;
- 14. Any meeting minutes, circulated materials, and/or readouts from Penn's University Task Force on Antisemitism, and documents sufficient to show any findings and recommendations by the Task Force and any responses and reactions to such findings and recommendations by the President, Provost, deans of Penn's various schools, and the staffs of the aforementioned university officials;
- 15. Documents sufficient to show any changes to Penn's governance documents and codes of conduct made since October 7, 2023;
- 16. All documents and communications, including, but not limited to, those involving the Office of the President, Office of the Provost (including University Life), Division for Public Safety (including Penn Police Department), Penn Human Resources, and/or any other entities responsible for investigating and determining consequences for misconduct and violations of university standards, referring and relating to:
  - a. The Palestine Writes Literature Festival;
  - b. The activities of Penn Students Against the Occupation since October 7, 2023;

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- c. Posts by Penn students, faculty, staff, and other Penn affiliates on Sidechat and other social media platforms targeting Jews, Israelis, Israel, Zionists, or Zionism;
- d. Anti-Israel protests at Penn, and any disruptions to education and student life related to them, since October 7, 2023, including but not limited to the October 16, 2023, protest, Palestine Freedom School, and December 3, 2023, protest;
- e. The antisemitic vandalization of the Stuart Weitzman School of Design on or about September 14, 2023;
- f. The vandalism and arrest at Penn Hillel on or about September 21, 2023;
- g. The vandalization of a property next to the Alpha Epsilon Pi House on or about October 20, 2023;
- h. The antisemitic emails received by multiple Penn staff members on or about November 6, 2023;
- i. The projection of anti-Israel phrases onto university buildings on or about November 8, 2023;
- j. The destruction or unauthorized removal of posters featuring Israeli hostages abducted by Hamas;
- k. The posting of “Missing Cow” posters similar in appearance and design to posters featuring Israeli hostages abducted by Hamas;

17. All documents and communications including, but not limited to, those involving the Office of the President, Office of the Provost (including University Life and its Office of Diversity, Equity, Inclusion, & Belonging), and/or any academic departments, programs, and centers, referring or relating to any efforts by Penn students, faculty, and staff to engage in the BDS movement against Israel since January 1, 2021, and communications by Penn administrators relating to such efforts;

18. All products of the Penn Office of Diversity, Equity, Inclusion, & Belonging or similar offices from any Penn components since January 1, 2020, relating to Jews and/or antisemitism, including but not limited to reports, publications, presentations, personal or professional development materials, guidance, and other related materials;

19. Documents sufficient to show the mandate, size, budget, agenda, and performance metrics of the Penn Office of Diversity, Inclusion, & Belonging and any similar offices from any Penn components, including documents sufficient to show any updates to the mandate, size, budget, agenda, or performance metrics of such offices since October 7,

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2023;

20. Documents sufficient to show all Penn policies concerning the acceptance and rejection of donations from foreign sources, including Penn's policies concerning:
  - a. faculty and staff receiving and disclosing donations and funding from foreign sources;
  - b. donations and funding from foreign sources being directed toward academic departments, programs, and centers;
21. Documents sufficient to show the annual total amount of foreign donations and funding (including, but not limited to, governmental bodies, nongovernmental organizations, and private individuals) to Penn since January 1, 2021, by country;
22. Documents sufficient to show all foreign donations and funding (including, but not limited to, governmental bodies, nongovernmental organizations, and private individuals) to Penn of \$50,000 or more since January 1, 2021;
23. Documents sufficient to show all donations and funding (including, but not limited to, the Qatar Foundation, governmental bodies, nongovernmental organizations whether incorporated in Qatar or elsewhere, and private individuals) to Penn from Qatari sources since January 1, 2021;
24. Documents sufficient to show any data since January 1, 2003, showing or relating to Jewish enrollment numbers at Penn's undergraduate colleges and each of its graduate and professional schools, and any changes or trends in the enrollment of Jewish students at Penn's undergraduate colleges and Penn's graduate/professional schools, and documents related to any attempt by Penn's administration, undergraduate colleges (including the undergraduate Office of Admissions), and each of Penn's graduate and professional schools to understand the reasons for any such changes or trends; and
25. All documents and communications involving the Office of the President, the Office of the Provost, dean's offices at each of Penn's undergraduate and graduate/professional schools, Penn's undergraduate Office of Admissions and each of Penn's graduate/professional schools, and the Penn Board of Trustees since January 1, 2013, relating to recruitment, admission, enrollment, and retention of Jewish students.<sup>61</sup>

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<sup>61</sup> For the avoidance of doubt, the Committee is not seeking the application materials of individual applicants and students.

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Congress' oversight powers are derived from the U.S. Constitution and have been affirmed repeatedly by the United States Supreme Court.<sup>62</sup> Under House Rule X, the Committee has legislative and oversight jurisdiction over "education or labor generally."<sup>63</sup>

Please see the attached instructions for relevant definitions and other directions for the production of documents. This request encompasses responsive materials in the possession of not only Penn faculty, staff, students, and other affiliates but also individual members of the Penn Board of Trustees. The request also extends to any informal communications such as text or other electronic messages. We expect that this request will be conveyed promptly to all parties who would be reasonably expected to have responsive materials.

If you have any questions about this request, please contact Ari Wisch of the Committee staff at 202-225-4527 or [ari.wisch@mail.house.gov](mailto:ari.wisch@mail.house.gov).

Sincerely,



Virginia Foxx  
Chairwoman  
Committee on Education and the Workforce

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<sup>62</sup> See generally U.S. CONST. art. I, § 8, cl. 8; *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927) (holding that "the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function"); *Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491, 504 (1975) (holding that "the power to investigate is inherent in the power to make laws"); *Barenblatt v. United States*, 360 U.S. 109, 111 (1959) (holding that "the scope of power of inquiry ... is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.").

<sup>63</sup> *Rules of the House of Representatives: One Hundred Eighteenth Congress*, U.S. HOUSE OF REP. 7 (Jan. 10, 2023), <https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/Rules%20and%20Resources/118-House-Rules-Clerk.pdf>.